

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6915

BILL NUMBER: HB 1531

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Appeal Process for Public Safety Medical Expenses.

FIRST AUTHOR: Rep. Morris

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill specifies that a police officer or firefighter who suffers an injury or illness in performance of the person's duty and whose request for payment of care is denied by a city may appeal the denial to the local pension board that has jurisdiction over the police officer or firefighter. The bill requires the local pension board to conduct a hearing on the appeal using the same board procedures for conducting a hearing on determinations of disability or impairment for purposes of the pension fund. The bill provides that the determination of the local pension board after a hearing is final and may be appealed to the court.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary-* The bill allows a police officer or firefighter whose request for payment of care is denied by a city may appeal the denial to the local pension board that has jurisdiction. An aggrieved public safety officer would then be able to appeal the decision of a local pension board in court. Whether or not the provision would lead to more court actions, would depend on the actions of local pension boards.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Summary-* Local pension boards may see an increase in the number of cases brought by aggrieved public safety officers.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts, local pension boards.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.